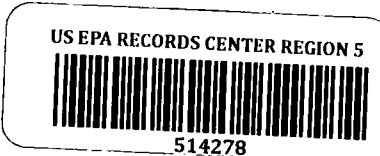


*Grundler*



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Dear David and Dennis:

Following the Spitzer deposition last week, we discussed the conflict regarding Paul White's pending deposition. I want to take this opportunity to apprise you of a new date for Mr. White's deposition and to discuss several other changes to the deposition schedule.

### Paul White

As you know, Mr. White supervises a plant for Phillips Petroleum in Oklahoma. He has agreed to testify for Reilly Tar and his expected testimony has been summarized pursuant to the case management order. He was scheduled to be deposed on March 25, 1985. Unfortunately, personal conflicts have made it difficult for Mr. White to appear on that date. Mr. White has informed me that his mother's impending move to a nursing home necessitates a change in the deposition schedule. He has suggested Friday, April 12th or Monday, April 15th as the next available date for deposition. I have asked Mr. White to check his calendar again, in the event that we might proceed at an earlier date. I have also suggested the possibility of taking the deposition in Oklahoma. I will advise you of any updates in this situation. I appreciate your understanding as we work to resolve this scheduling conflict.

DORSEY & WHITNEY

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NON-RESPONSIVE

I have been advised that NON-RESPONSIVE remains hospitalized. His condition is such that a deposition would be impossible at this time. Barring the unforeseeable, it appears that NON-RESPONSIVE will not be able to participate in Reilly's defense. Reilly may substitute another fact witness who will testify as indicated in our summary of NON-RESPONSIVE's expected testimony. I will advise you as soon as possible.

Deposition Schedule - March 13 through March 31

As I indicated to you in my letter dated February 18, 1985, I thought it advisable that all parties review and reconfirm the deposition schedule for March. I have attempted to do this with Reilly's witnesses. The following depositions have been confirmed:

Tuesday, March 19	Atlanta 9:30 - 5:00
Tuesday, March 19	Milwaukee 9:30 - 5:00
Wednesday, March 20	Chicago 9:30 - 5:00
Wednesday, March 20	D&W 9:30 - 5:00
Thursday, March 21 and if necessary Friday, March 22	D&W 9:30 - 5:00
Monday, March 25	Boston 9:30 - 5:00
Monday, March 25	Washington, D.C. 9:30 - 5:00
Tuesday, March 26	St. Louis Park 9:30 - 5:00

NON-RESPONSIVE

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NON-RESPONSIVE

Tuesday, March 26

Washington, D.C.  
9:30 - 5:00

Wednesday, March 27  
and

Washington D.C.  
9:30 - 5:00

Thursday, March 28  
and

Pittsburgh

Friday, March 29

1:00 - 5:00  
9:30 - 12:00

NON-RESPONSIVE

Friday, March 29

Boyton Beach, Florida  
9:30 - 5:00

Deposition of NON-RESPONSIVE

I am unable to confirm the deposition dates for either NON-RESPONSIVE. These dates were tentatively scheduled in January, 1985. At that time, I was aware that both non-responsive and non-responsive would be vacationing during Minnesota's winter months. It was my understanding, however, that both Drozdik and Keprios would be available in March. I have been unable to contact these individuals to confirm their present availability. I will advise you of their schedules when that becomes possible.

Deposition of Dr. Eula Bingham

Reilly was notified of Dr. Bingham's participation as an expert witness on February 8, 1985. While this notification was outside the scope of the case management order, all parties have been generally receptive to flexibility in applying the order. Reilly has no objection to this flexibility as long as it is even handed. Please advise us of dates for Dr. Bingham's deposition. We anticipate receiving a summary of Dr. Bingham's expected testimony sometime in March.

Deposition of Reilly's Analytical Chemist

NON-RESPONSIVE letter to you dated February 25, 1985, indicated that Reilly intends to call on the services of an analytical chemist to testify about analytical data and laboratory procedures. This issue initially arose in early December, 1984, and continued during discussions regarding the stipulation of analytical data.

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We received a call last weekend from [non-] 1, inquiring as to the name of the analytical chemist and a possible deposition date. We informed Lisa that we would supply this information as soon as possible. We are still checking on individual availabilities for trial.

Deposition of NON-RESPONSIVE

Reilly Tar will be moving to compel the deposition of either [NON-RESPONSIVE]. We would prefer to depose Mr. Albert since he has been identified as the United States' PAH Criteria Document witness. We identified [non-] because it is our understanding that he is the record custodian of the tapes, transcripts and other documents which memorialize efforts of the committee which prepared EPA's Ambient Water Quality Document for Polynuclear Aromatic Hydrocarbons. We again ask the United States to reconsider scheduling the deposition of one of these witnesses in light of the relevance to the litigation.

Please don't hesitate to call me should questions arise on any of these matters.

Very truly yours,

*Mark R. Kaster*

Mark R. Kaster

MRK/am

cc: Honorable Crane Winton  
Counsel of Record